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SIPDIS

C O R R E C T E D C O P Y (ADDED SENSITIVE CAPTION AND PARA MARINGS)

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SUBJECT: UN/SIERRA LEONE SPECIAL COURT: MANAGEMENT  
COMMITTEE ENDORSES MOST CASSESE RECOMMENDATIONS, BUT VOICES  
CONTINUED CONCERN OVER ONGOING COURT FINANCING

REF: A. USUN 21

[1](#)B. 12/20/06 USUN-IO-S/WCI-L E-MAIL

[1](#)C. 12/18/06 USUN-IO-S/WCI-L E-MAIL

[1](#)D. 12/12/06 USUN-IO-S/WCI-L E-MAIL

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SENSITIVE BUT UNCLASSIFIED

[1](#)1. (SBU) SUMMARY: USUN M/R joined other Sierra Leone Special Court Management Committee members (UK, Canada, Netherlands, Sierra Leone, Nigeria) for a day-long meeting convened January 17 at the UK Mission to assess the more than fifty recommendations to improve efficiency of the Special Court outlined in a December 12, 2006 report prepared by Independent Expert Justice Antonio Cassese (ref d). Committee members expressed support for the majority of Cassese recommendations, including steps to enhance judicial leadership of the Special Court, maximize the efficiency of Court proceedings, enhance good management, and prepare for the trial of former Liberian President Charles Taylor in The Hague. However, disagreement among Committee members emerged concerning Cassese's call for a "final" three-year budget (most supported; U.S. advocated submission of a "final" three-year completion strategy accompanied by a detailed budget for 2007 and budget estimates for 2008 and 2009 that subsequently would be updated and reviewed by the Committee).

No formal decision was taken to endorse continuation of Court Registrar Lovemore Munlo's contract, though most said now was not the time for key personnel changes (a view subsequently privately disputed by a Court representative who warned USUN M/R that keeping Munlo would "spell disaster"). All members agreed that securing adequate voluntary funding for the Special Court remained the single greatest challenge to ensuring a successful conclusion of the Court's work. Committee members will reconvene January 22 for discussions with Chief Court Prosecutor Stephen Rapp and Court Deputy Registrar Herman von Hebel, followed by a meeting January 31 with Court President, Justice George Galaga King. END SUMMARY.

GENERAL SUPPORT FOR  
CASSESE PROPOSALS  
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2.(SBU) The Special Court Management Committee devoted the majority of its day-long meeting January 17 to discussing 58 separate recommendations outlined by Independent Expert Justice Cassese (ref c). US DEL joined other Committee members in commending Cassese for his useful proposals, the majority of which met with Committee approval. However, one

key issue that prompted considerable discussion was Cassese's recommendation that the Court submit and the Committee approve a "final" three-year completion plan and budget. While other Committee members voiced general support for this approach, US DEL noted a distinction between receiving a three-year, "final" completion strategy, which would be welcomed, and having an accurate assessment of Court financial needs for 2007, with budget estimates for 2008 and 2009 that subsequently would have to be updated and reviewed by the Committee. US DEL said the objective remained to encourage the Court to improve its efficiency and complete its work within the estimated time periods set forth in the completion strategy, or even sooner if possible.

3.(SBU) Committee Chair Canada advised Committee members that Court officials were scheduled to submit a revised budget in early to mid-March. Members then committed to review and make a final decision concerning the budget within three weeks of its receipt, hopefully before current Court spending authority granted in December by the Committee runs out on March 31. Committee members supported a U.S. suggestion that clear benchmarks be established for the Court's completion of its work that would be assessed by the Committee every six months. Court officials would need to support such benchmarks and then abide by them. To illustrate the type of benchmarks envisioned, USUN M/R sketched out the following timeline:

January-June 2007: Judgments to be rendered in CDF and AFRC trials; Appeals phase in CDF and AFRC trials to commence; Start of Taylor trial in The Hague (to be confirmed);

July-December 2007: Completion of RUF trial phase; completion of appeals phase in CDF and AFRC trials;

January-June 2008: Judgment rendered in RUF case - commencement of appeals phase; continuation of Taylor trial

July-December 2008: Appeals phase in RUF case completed continuation of Taylor trial;

January-June 2009: Completion of trial phase in Taylor trial,

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followed by judgment and appeals phase carrying into the latter half of 2009.

4.(SBU) Committee members agreed on additional measures as recommended by Cassese to enhance Court efficiency, including:

-- Court President to take a more active role in overseeing the Court's completion of its work, including by holding more frequent meetings with the other judges and Court principals, and representing the Court at more public events;

-- Court to adopt more proactive trial management techniques and judges to ensure ongoing trials proceed expeditiously, including by adhering to the Court's schedule;

-- Improved communication and coordination among the Court President, the Chambers and the Court Registry;

-- Improvements in the operation and support for the Defence Office; and,

-- Registrar to improve communication within the Registry, share more information with other Court officials, and provide better information on personnel matters, including proposed downsizing.

CONTINUED CONCERN OVER  
COURT FINANCING

5.(SBU) At the request of USUN M/R, Court representative Giorgia Tortora provided Committee members with an update on the Court's finances, indicating that monthly Court expenses in

Freetown were averaging \$1.9 million, while preparations for the Taylor trial in The Hague were costing approximately \$700,000 per month. Tortora said that taking into account recent contributions, including 500,000 Euros from France and smaller contributions from Estonia, Ireland, Saudi Arabia, Spain and Slovenia, the Court now had sufficient funds to continue operations through May 2007. USUN M/R noted that while it was welcome news that the Court was not facing an immediate funding shortfall, the respective budget cycles of the principal Court donors (U.S., Netherlands, UK, Canada) might prevent needed funds from arriving until much later in the calendar year. This could lead to a budget crisis in mid-year unless significant contributions were received soon from other countries.

DECISION DELAYED ON  
COURT REGISTRAR'S FUTURE  
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¶6. (SBU) Committee Chair Canada noted that among pending decisions still before the Committee were whether to support renewal of current Court Registrar Lovemore Munlo's contract for an additional period. Sierra Leone DPR Kanu suggested that with three trials still continuing in Freetown and the Taylor trial about to start in The Hague, now was not the time to make significant personnel changes. Since Court President George Galaga King would be exercising greater powers and responsibilities over the Court, Court Registrar Munlo will be playing "more of a supporting role." In addition, Kanu said Deputy Court Registrar Herman von Hebel was a very competent administrator who could be counted upon to keep things on track. The representatives from the UK, Netherlands, Nigeria and Canada all lent support to Kanu's comments, agreeing that Munlo should be given more time - perhaps another "probationary period" - to continue his work as Court Registrar. Members agreed to seek the views of Court President King on this issue when King meets with the Management Committee in New York on January 31. (NOTE: In a subsequent private meeting with Court representative Tortora - strictly protect, she indicated that significant management problems were continuing under Munlo's leadership, and that re-appointing him as Court Registrar would "spell disaster." END NOTE)

NEXT STEPS  
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7.(U) Committee members are scheduled to reconvene several times in the next few weeks for meetings with Court Chief Prosecutor Stephen Rapp and Court Deputy Registrar Herman von Hebel (January 22) and with Court President Justice King (January 31). Members agreed top priorities remained obtaining additional contributions to support the Court and ensuring adequate preparations for the Taylor trial in The Hague were finalized in sufficient time prior to the start of

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the proceedings.

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